

structure for forming a semiconductor device, and Group III - claims 19 - 20, drawn to an integrated circuit.

The invention of Group I, claims 1 - 13 has been provisionally elected, with traverse, above.

The Examiner has asserted that restriction is proper under PCT Rule 13.1 because the inventions do not share the same inventive concept and do not have corresponding technical features. It is respectfully submitted that this assertion by the Examiner is incorrect.

While it is often the case in semiconductor technologies that structure and method claims are differently classified and require demonstrably divergent searches, the present invention is directed to selectively reducing the diffusion rate of boron which otherwise diffuses much faster and over a greater distance than phosphorus or arsenic at the same temperatures and thus becomes relatively critical and imposes a trade-off between low resistance extension implants and source/drain regions. See pages 2 - 4 of the specification. The invention selectively reduces the boron diffusion rate at the edge of a PFET gate using a structure comprising a stressed film to apply stress to an adjacent underlying region of semiconductor to reduce the diffusion rate, as is recited in claims of all three<sup>3</sup> inventions identified by the Examiner. Therefore, regardless of whether the invention is recited as a method of modifying a diffusion rate, an intermediate product or complete integrated circuit, it is respectfully submitted that the inventive concept and corresponding technical features are clearly shared by the inventions the Examiner has identified. Therefore, it is respectfully submitted that restriction cannot be justified for the reasons asserted by the Examiner.

Further, while the Examiner has asserted that the intermediate product and the integrated circuit could be made by a "plasma immersion process", the Examiner has not identified that process in a manner which establishes that it is a materially different process from "implantation". Similarly, in regard to the intermediate and final product, the Examiner has merely stated that the intermediate product could be used in "other" final products but not that the "other" final product would be materially different. Therefore, the Examiner has not properly shown the distinctness of the inventions the Examiner has identified.

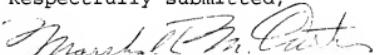
Moreover, it is noted that the Examiner has not asserted separate classification or otherwise demonstrated any divergence of the searches required for the inventions the Examiner has identified. Rather, it is suggested that the nature of the invention is such that the searches for the different ways the invention is susceptible of being claimed would tend to be congruent and the Examiner has not asserted otherwise. Therefore, no *prima facie* demonstration of the existence of a serious burden of examination in the absence of a restriction requirement.

Accordingly, since the Examiner's assertion in regard to the identified inventions failing to share an inventive concept or special technical features appears to be in error and the Examiner has not properly demonstrated distinctness of the identified inventions or the existence of a serious burden of examination in the absence of a requirement for restriction, it is respectfully submitted that restriction is not justified or proper. Therefore reconsideration and withdrawal of the requirement for restriction is respectfully requested.

Since all requirements contained in the outstanding official action have been fully answered and shown to be in error and/or inapplicable to the claims, it is respectfully submitted that reconsideration is now in order under the provisions of 37 C.F.R. §1.111(b) and such reconsideration is respectfully requested. Upon reconsideration, it is also respectfully submitted that this application is in condition for allowance and such action is therefore respectfully requested.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



Marshall M. Curtis  
Reg. No. 33,138

Whitham, Curtis, Christofferson & Cook, P. C.  
11491 Sunset Hills Road, Suite 340  
Reston, Virginia 20190

(703) 787-9400  
Customer Number: 30743